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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/642,285   | 08/18/2003  | Satoshi Sakamaki     | 1259-0236P          | 2455             |
| 2292   | 7590        | 10/11/2005           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      | FINEMAN, LEE A      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2872                |                  |
| DATE MAILED: 10/11/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/642,285             | SAKAMAKI, SATOSHI   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Lee Fineman            | 2872                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 8/18/03 & 4/11/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is in response to remarks filed 20 September 2005. Claims 1-10 are pending.

Applicant's arguments, see page 3, with respect to the rejection(s) of claim(s) 1-4 and 6-10 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference as set forth below.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Tachibana et al., US 6,731,357 B1.

Tachibana et al. disclose in fig. 1 a polarizing filter comprising a polarizing film (1); a first protective film (2) adhered to one surface of said polarizing film (fig. 1); and a second protective film (2) adhered to another surface of said polarizing film (fig. 1), said second protective film being different in at least one of thickness, physical properties or materials (at least in so far as the thicknesses of the two films will be different due to the disclosed variation in film thickness during manufacture; see column 7, lines 46-51); wherein when M1 is a

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coefficient of expansion by water absorption of said first protective film in a direction of a light absorption axis of said polarizing filter and M2 is a coefficient of expansion by water absorption of said second protective film in a direction of a light absorption axis of said polarizing filter, then the coefficients of expansion M1 and M2 satisfy a formula;  $0.85 M1 < M2 < 1.20 M1$  (in so far as the films are the same material and therefore have the same coefficients of expansion, and when  $M1 = M2$ , the condition is satisfied); the coefficients of expansion M1 and M2 being larger than 0.02 (column 5, lines 43-46); the difference in thickness between said first and second protective films being more than  $2\mu\text{m}$  and less than  $100\mu\text{m}$  (column 7, lines 46-51, at least in so far as when  $60\mu\text{m}$  films differ  $\pm 3\%$ , the difference will be  $3.6\mu\text{m}$ ); wherein said polarized film is polyvinylalcohol series (column 10, lines 50-51); wherein said first and second protective films are adhered to said polarized film with an adhesive agent (column 10, lines 55-59); and wherein at least one of the protective films is cellulose acylate (column 10, line 56). The method of utilizing the structure of the claim is inherent therein.

***Allowable Subject Matter***

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 has allowable subject matter over the prior art for at least the reason that the prior art fails to teach and/or suggest calculated coefficients of expansion M1 and M2 determined from the formula  $\{(L2-L1)/L1\} \times 100$  based on results from the first or second protective film cut

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into specific strip specimens and tested under the specific conditions as set forth in the claimed combination.

### *Response to Arguments*

As stated above, applicant's arguments, see page 3, with respect to the rejection(s) of claim(s) 1-4 and 6-10 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
LAF

October 6, 2005

  
JOHN JUBA, JR.  
PRIMARY EXAMINER